

Amendments to the Claims:

Please cancel claims 135 and 139 without prejudice

The following listing of claims will replace all prior versions and/or listings of claims in the application.

Listing of Claims:

1 - 130 (cancelled)

131. (currently amended): A bone stabilization system, comprising:

a plate;

an opening through the plate;

a ring positionable within the opening, the ring comprising ~~a movable portion~~ a plurality of paddles; and

a fastener positionable through the ring, the fastener configured to couple the plate to bone;

wherein the paddles ~~movable portion~~ of the ring ~~is~~ are configured to move outwards to allow a portion of the fastener to be positioned in the opening, and wherein the paddles are ~~movable portion is further~~ configured to move inwards after insertion of a portion of the fastener to inhibit removal of the fastener from the plate.

132. (previously presented): The system of claim 131, wherein the ring further comprises a curved outer surface to conform to a curved inner surface of the opening.

133. (currently amended): The system of claim 131, wherein an outer surface of the ring ~~complements~~ complements at least a portion of an inner surface of the opening.

134. (currently amended): The system of claim 131, wherein an inner surface of the ring ~~compliments~~ complements at least a portion of an outer surface of the fastener.

135. (cancelled)

136. (previously presented): The system of claim 131, wherein a portion of the ring engages a portion of a head of the fastener.

137. (currently amended): The system of claim 131, wherein the fastener comprises a groove to engage the ~~movable portion~~ paddles of the ring.

138. (previously presented): The system of claim 137, wherein the groove comprises a rim formed along an edge of the fastener.

139. (cancelled)

140. (previously presented): The system of claim 131, wherein a diameter of a portion of the head is greater than a diameter of an inner surface of the ring such that the head exerts an expanding force on the ring when positioned in the ring.

141. (currently amended): The system of claim 131, wherein the ~~movable portion~~ paddles of the ring comprise ridges that are ~~comprises a ridge that~~ is configured to engage a surface of the fastener ~~to limit an insertion depth of the fastener~~.

142. (previously presented): The system of claim 131, wherein an outer width of the ring is greater than a width of the opening proximate an upper surface and a lower surface of the plate such that removal of the ring positioned within the opening is inhibited.

143. (previously presented): The system of claim 131, wherein the ring further comprises a gap to allow the ring to expand and contract.

144. (previously presented): The system of claim 143, wherein contracting the gap of the ring allows insertion of the ring into the opening of the plate.

145. (previously presented): The system of claim 131, wherein the ring is configured to move within the opening of the plate to allow a shank of the fastener to be inserted into bone at an oblique angle to the plate.

146. (previously presented): The system of claim 131, wherein the ring is configured to rotate within the opening when the fastener is positioned through the ring.

147. (previously presented): The system of claim 131, further comprising a second fastener positioned through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in diverging directions relative to each other.

148. (previously presented): The system of claim 131, further comprising a second fastener positioned through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in converging directions relative to each other.

149. (currently amended): A system for stabilizing two bone portions, comprising:
a plate;
an opening through the plate;
a ring positionable within the opening, the ring comprising deflectable portions
~~deflectable portion~~; and

a fastener positionable through the ring, the fastener configured to couple the plate to bone;

wherein the deflectable ~~portion~~ portions of the ring ~~is~~ are configured to deflect outwards to allow a portion of the fastener to be positioned in the opening, and wherein the deflectable portions are ~~portion is further~~ configured to deflect inwards such that removal of the fastener from the plate is inhibited during use.

150. (previously presented): The system of claim 149, wherein the ring further comprises a curved outer surface to conform to a curved inner surface of the opening.

151. (currently amended): The system of claim 149, wherein an outer surface of the ring ~~complements~~ complements at least a portion of an inner surface of the opening.

152. (currently amended): The system of claim 149, wherein an inner surface of the ring ~~complements~~ complements at least a portion of an outer surface of the fastener.

153. (currently amended): The system of claim 149, wherein the deflectable ~~portions~~ portion of the ring ~~are~~ is formed by a plurality of notches in the ring.

154. (previously presented): The system of claim 149, wherein a portion of the ring engages a portion of a head of the fastener.

155. (currently amended): The system of claim 149, wherein the fastener comprises a groove to engage the deflectable ~~portion~~ portions of the ring.

156. (previously presented): The system of claim 155, wherein the groove comprises a rim formed along an edge of the fastener.

157. (currently amended): The system of claim 149, wherein the deflectable ~~portion~~ portions of the ring ~~comprises a ridge~~ comprise ridges, and wherein the ~~ridge extends~~ ridges extend into a groove in the fastener.

158. (previously presented): The system of claim 149, wherein a diameter of a portion of the head is greater than a diameter of an inner surface of the ring such that the head exerts an expanding force on the ring when positioned in the ring.

159. (currently amended): The system of claim 149, wherein the deflectable ~~portion~~ portions of the ring ~~comprises a ridge~~ comprise ridges that ~~is~~ are configured to engage a top surface of the head of the fastener ~~to limit an insertion depth of the fastener~~.

160. (previously presented): The system of claim 149, wherein an outer width of the ring is greater than a width of the opening proximate an upper surface and a lower surface of the plate such that removal of the ring positioned within the opening is inhibited.

161. (previously presented): The system of claim 149, wherein the ring further comprises a gap to allow the ring to expand and contract.

162. (previously presented): The system of claim 161, wherein contracting the gap of the ring allows insertion of the ring into the opening of the plate.

163. (previously presented): The system of claim 149, wherein the ring is configured to move within the opening of the plate to allow a shank of the fastener to be inserted into bone at an oblique angle to the plate.

164. (previously presented): The system of claim 149, wherein the ring is configured to rotate within the opening when the fastener is positioned through the ring.

165. (previously presented): The system of claim 149, further comprising a second fastener positioned through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in diverging directions relative to each other.

166. (previously presented): The system of claim 149, further comprising a second fastener positioned through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in converging directions relative to each other.

167. (previously presented): A bone stabilization system, comprising:

a plate;

an opening through the plate;

a ring positionable within the opening, the ring comprising:

a lower portion; and

an upper portion, the upper portion comprising fingers extending from the lower portion, wherein the fingers are substantially parallel to the lower portion; and

a fastener positionable through the ring, the fastener comprising a head;

wherein the fingers of the ring are configured to engage a portion of the head of the fastener to inhibit removal of the fastener from the plate during use.

168. (previously presented): The system of claim 167, wherein the ring further comprises a curved outer surface to conform to a curved inner surface of the opening.

169. (currently amended): The system of claim 167, wherein an outer surface of the ring ~~complements~~ complements at least a portion of an inner surface of the opening.

170. (currently amended): The system of claim 167, wherein an inner surface of the ring ~~complements~~ complements at least a portion of an outer surface of the fastener.

171. (previously presented): The system of claim 167, wherein the portion of the head of the fastener comprises a groove.

172. (previously presented): The system of claim 171, wherein the groove comprises a rim formed along an edge of the fastener head.

173. (previously presented): The system of claim 167, wherein the upper portion of the ring further comprises a ridge, and wherein the ridge extends into a groove in the head of the fastener.

174. (previously presented): The system of claim 167, wherein a diameter of the head is greater than a diameter of an inner surface of the ring such that the head exerts an expanding force on the ring when positioned in the ring.

175. (previously presented): The system of claim 167, wherein an outer width of the ring is greater than a width of the opening proximate an upper surface and a lower surface of the plate such that removal of the ring positioned within the opening is inhibited.

176. (previously presented): The system of claim 167, wherein the ring further comprises a gap to allow the ring to expand and contract.

177. (previously presented): The system of claim 176, wherein contracting the gap of the ring allows insertion of the ring into the opening of the plate.

178. (previously presented): The system of claim 167, wherein the upper portion of the ring further comprises a ridge that is configured to engage a top surface of the head of the fastener to limit an insertion depth of the fastener.

179. (previously presented): The system of claim 167, wherein the ring is configured to move within the opening of the plate to allow a shank of the fastener to be inserted into bone at an oblique angle to the plate.

180. (previously presented): The system of claim 167, wherein the ring is configured to rotate within the opening when the fastener is positioned through the ring.

181. (previously presented): The system of claim 167, further comprising a second fastener positioned through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in diverging directions relative to each other.

182. (previously presented): The system of claim 167, further comprising a second fastener positioned through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in converging directions relative to each other.

183. (currently amended): A method for stabilizing bone, comprising:
placing a ring within a plate, wherein the ring comprises a paddles~~movable portion~~;
positioning the plate adjacent to bone;
inserting a fastener into the bone through the ring in the plate; and
coupling the fastener to the ring with the paddles~~movable portion~~ of the ring to inhibit removal of the fastener from the plate.

184. (previously presented): The method of claim 183, wherein an outer width of the ring is greater than a width of the opening proximate an upper surface and a lower surface of the plate such that removal of the ring positioned within the opening is inhibited.

185. (previously presented): The method of claim 183, wherein the ring is configured to move within the opening of the plate to allow a shank of the fastener to be inserted into bone at an oblique angle to the plate.

186. (previously presented): The method of claim 183, wherein the ring is configured to rotate within the opening when the fastener is positioned through the ring.

187. (previously presented): The method of claim 183, further comprising inserting a second fastener through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in diverging directions relative to each other.

188. (previously presented): The method of claim 183, further comprising inserting a second fastener through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in converging directions relative to each other.

189. (previously presented): A method for stabilizing bone, comprising:
positioning a ring within an opening of a plate, wherein the ring comprises a lower portion and an upper portion, the upper portion comprising fingers extending from and substantially parallel to the lower portion;
positioning a head of a fastener within the ring; and
engaging the head of the fastener with the fingers of the ring to inhibit removal of the fastener from the plate.

190. (previously presented): The method of claim 189, wherein an outer width of the ring is greater than a width of the opening proximate an upper surface and a lower surface of the plate such that removal of the ring positioned within the opening is inhibited.

191. (previously presented): The method of claim 189, wherein the ring is configured to move within the opening of the plate to allow a shank of the fastener to be inserted into bone at an oblique angle to the plate.

192. (previously presented): The method of claim 189, wherein the ring is configured to rotate within the opening when the fastener is positioned through the ring.

193. (previously presented): The method of claim 189, further comprising inserting a second fastener through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in diverging directions relative to each other.

194. (previously presented): The method of claim 189, further comprising inserting a second fastener through a second ring positioned within a second opening in the plate such that the two fasteners extend through the plate in converging directions relative to each other.

Response To Office Action Mailed April 17, 2003

A. Status

The specification has been amended to correct typographical errors and to clarify certain sections.

Claims 131-194 are currently pending. Claims 131, 133, 134, 137, 141, 149, 151-153, 155, 157, 159, 169, 170, and 183 have been amended. Claims 134, 135, 151, 152, 169, and 170 have been amended to correct typographical errors. Claims 135 and 139 have been cancelled.

B. Information Disclosure Statement

Applicant has not received signed, initialed Form PTO-1449 (references AA-BH) submitted with the Information Disclosure Statement mailed on November 19, 2001. Applicant respectfully requests signed copies of the above-referenced Form PTO-1449. A copy of the originally filed Form PTO-1449 and a copy of the return postcard acknowledging receipt by the USPTO of the Information Disclosure Statement and Form PTO-1449 are enclosed for the Examiner's convenience.

C. Double Patenting Rejection

Claims 131-194 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,331,179. Applicant does not believe that a terminal disclaimer is necessary for the present application over the claims of U.S. Pat. No. 6,331,179, but in the interest of expediency, a terminal disclaimer is enclosed.

D. The Claims Are Not Anticipated By Olerud Pursuant To 35 U.S.C. § 102(b)

The Examiner rejected claims 131-166 and 183-188 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,735,853 to Olerud (hereinafter “Olerud”). Applicant respectfully disagrees with these rejections.

The standard for “anticipation” is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed. Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Amended claim 131 describes a combination of features including: “the ring comprising a plurality of paddles”. Olerud does not appear to teach or suggest a plurality of paddles, in combination with the other features of the claim. Applicant requests removal of the anticipation rejection of claim 131 and the claims dependent thereon.

Amended claim 149 describes a combination of features including: “the ring comprising deflectable portions”. Olerud does not appear to teach or suggest a ring comprising deflectable portions, in combination with the other features of the claim. Applicant requests removal of the rejection of claim 149 and the claims dependent thereon.

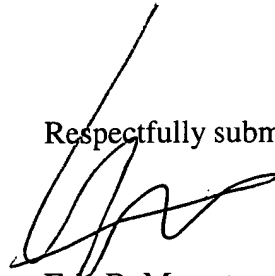
Claim 183 describes a combination of features including: “wherein the ring comprises paddles”. Olerud does not appear to teach or suggest a ring comprising paddles, in combination with the other features of the claim. Applicant requests removal of the rejection of claim 183 and the claims dependent thereon.

E. Additional Comments

Applicant submits that all claims are in condition for allowance. Favorable consideration is respectfully requested.

A fee authorization is enclosed for the terminal disclaimer fee, and for a two month extension of time. If an additional extension of time is required, Applicant hereby requests the appropriate extension of time. If any other fees are required, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-03702/EBM.

Respectfully submitted,



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